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Attorneys for Plaintiffs CLAUDIA SANCHEZ, ERIN WALKER  
and WILLIAM SMITH, on behalf of themselves and all others  
similarly situated,

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA SANCHEZ, ERIN WALKER and  
WILLIAM SMITH, as individuals, and on behalf  
of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and DOES 1 through 125,

Defendants.

Case No.: C 07-05923 WHA (JCSx)

Judge Assigned: Hon. William H. Alsup  
Original Complaint filed: November 21, 2007

**DECLARATION OF RICHARD D. McCUNE  
IN SUPPORT OF PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR LEAVE TO  
FILE A FIRST AMENDED COMPLAINT;  
EXHIBIT**

Date: May 1, 2008  
Time: 8:00 a.m.  
Courtroom 9, 19th Floor

I, RICHARD D. McCUNE, declare:

1. I am an attorney licensed to practice law before all of the courts of the State of California and I am a partner of McCune & Wright, LLP, counsel of record for Plaintiffs. The following facts are within my personal knowledge or based on records and files at my law firm, and, if called upon as a witness, I could and would testify competently thereto.
2. I believe that addition of Class Representatives Veronica Gutierrez and Tim Fox is in the best interest of the Putative Class.

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- 1       3.       I sent the defendants' counsel, David Jolley, a copy of the Proposed First Amended  
2       Complaint on March 15, 2008 along with a request that Defendants stipulate to the filing of  
3       the Proposed First Amended Complaint via e-mail. Mr. Jolley responded via e-mail on  
4       March 17, 2008 by declining to stipulate.
- 5       4.       A true and correct copy of The Proposed First Amended Complaint is attached to this  
6       declaration as Exhibit "1."

7       I so declare the above is true and correct under penalty of perjury under the laws of the United  
8       States. Executed this 20<sup>th</sup> day of March, 2008, at Redlands, California.

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11       Richard D. McCune  
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Case: SANCHEZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On March 20, 2008, I served the foregoing document described as **DECLARATION OF RICHARD D. McCUNE IN SUPPORT OF PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE A FIRST AMENDED COMPLAINT; EXHIBIT** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

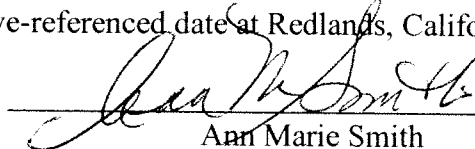
Sonya D. Winner, Esquire  
David M. Jolley, Esquire  
Margaret G. May, Esquire  
COVINGTON & BURLING, LLP  
One Front Street  
San Francisco, CA 94111  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

Attorneys for Defendants

**METHOD OF SERVICE:**

- [ ] **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [ ] **(BY E-MAIL)** By transmitting it to the following individuals by electronic mail:  
Sonya D. Winner: SWinner@cov.com  
David M. Jolley: djolley@cov.com
- [ ] **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.
- [ X ] **(BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.

  
Ann Marie Smith